

PATENT APPLICATION  
Attorney's Do. No. 1941-70

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Paul J. BRUINSMA; Suresh BASKARAN; and  
Jagannadha R. BONTA and Jun LIU

Serial No. 09/481,988

Examiner: P. Marcantoni

Filed: January 11, 2000

Group Art Unit: 1755

Original Patent No. 5,922,299

Original Patent Issue Date: July 13, 1999

For: MESOPOROUS-SILICA FILMS, FIBERS, AND POWDERS BY EVAPORATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed October 6, 2003 finally rejecting claims 188 and 189. The item(s) checked below are appropriate:

**1. STATUS OF APPLICANT**

This application is on behalf of

- ☐ other than a small entity  
☒ small entity. Verified statement ☐ attached ☒ already filed on August 26, 1997.

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

- |  |          |
|--|----------|
| <input checked="" type="checkbox"/> small entity   | \$160.00 |
| <input type="checkbox"/> other than a small entity | \$320.00 |

Notice of Appeal fee due

**\$160.00**

**3. EXTENSION OF TERM**

NOTE: The time periods set forth in 37 CFR 1.191 are subject to the provision of #1.136 for patent applications 37 CFR 1.191(d). But see 37 CFR 1.645 for extension of time in interference proceedings and 37 CFR 1.550(c) for extension of time in reexamination proceedings).

**(complete (a) or (b) as applicable)**

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

- (a) ☐ Applicant petitions for an extension of time under 37 CFR 1.17 (a)-(d) for the total number of months checked below:

**Extension Fee:**

	<u>Months</u>	<u>Small Entity</u>	<u>Other Than Small Entity</u>
<input type="checkbox"/>	one month	\$ 55.00	\$ 110.00
<input type="checkbox"/>	two months	\$190.00	\$ 380.00
<input type="checkbox"/>	three months	\$435.00	\$ 870.00
<input type="checkbox"/>	four months	\$680.00	\$1,360.00

**If an additional extension of time is required, please consider this a petition therefor.**

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

**Extension fee due with this request**

**\$ 160.00**

**or**

- (b) ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**4. TOTAL FEE DUE**

The total fee due is : \$160.00

Notice of Appeal fee \$160.00

Extension fee (if any) \$ \_\_\_\_\_

**TOTAL FEE DUE**

**\$ 160.00**

5. **FEE PAYMENT**

- ☒ PTO Form 2038 authorizing credit card payment for the above-listed fee is enclosed.
- ☒ Any deficiency or overpayment for extensions of time or claims should be charged or credited to deposit account number 13-1703. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

*Julie L. Reed*

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I hereby certify that this correspondence  
is being transmitted to the U.S. Patent and  
Trademark Office via facsimile number  
(703) 305-0942, on December 5, 2003.

Signature:

*Judy Wigmore*  
Judy Wigmore